IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 2523 of 2001

Between:

G. Rajeswara Rao,

E-45112,

Mechanic,

S/o.Venkata Ramaiah,

R/o.Jaggaiahpet,

Krishna District.

..... PETITIONER

AND

1. The APSRTC, Represented by its Regional Manager,
   Krishna Region, Vijayawada.
2. The APSRTC, Represented by its Depot Manager,
   Jaggaiahpet Depot, Jaggaiahpet, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents herein in not granting the selection grade scale to the petitioner herein on completion of 12 years of service in the Mechanic category w.e.f 1-2-1995 as illegal, unjust and arbitrary, contrary to the circular instructions and consequently to set aside the same in the interest of justice with a consequential direction to pay the arrears of increments w.e.f., 1-2-1995 forthwith.

Counsel for the Petitioner: MR.S.M.SUBHAN

Counsel for the Respondents: Mr. R.Manmadha Reddy. S.C for APSRTC

The Court made the following order:

The subject matter of this writ petition is squarely covered by a judgment of this Court in W.A.No.1301 of 2000, dated 29-10-2002.

This writ petition is filed questioning the action of the respondents herein in not adding one additional increment in the mechanic category, on completion of 12 years of service by the petitioner in the same category.

The petitioner submits that he has been working as a mechanic from 1983 onwards, but the respondents have not granted the stagnation increment, on the ground that he has been transferred from one division to another division.

Merely because the petitioner has been transferred from one division to another division, his services rendered in the previous division, cannot be ignored, as his category has not been changed, and as he has been continuously working in the same category of mechanic, his entire service has to be taken into account. If that be so, the petitioner is entitled for stagnation increment.

Accordingly, the writ petition is allowed and the respondents are directed to grant the stagnation increment to the petitioner as he has already completed 12 years of service in the category of mechanic. No order as to costs.

30-8-2004

lvl

1. The APSRTC, Represented by its Regional Manager,
   Krishna Region, Vijayawada.
2. The APSRTC, Represented by its Depot Manager,
   Jaggaiahpet Depot, Jaggaiahpet, Krishna District.
2. Two CD copies.